

Introduced by Senator Torlakson
(Principal coauthor: Assembly Member Wolk)
(Coauthors: Senators Chesbro, Machado, and Ortiz)
(Coauthor: Assembly Member Jones)

February 23, 2006

An act to amend Section 99234 of the Public Utilities Code, and to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as introduced, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Delta, as defined.

Existing law requires local transportation planning agencies to allocate funds for establishing and maintaining pedestrian and bicycle trails, and authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the Delta, to instead allocate these fund to

the Delta Protection Commission for specified activities around the Delta.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds all of the
2 following:

3 (1) The Great California Delta region is a wondrous state and
4 national treasure, with its natural resources and fertile soils for
5 agriculture, its access to recreation and science research, and its
6 rich history and beauty.

7 (2) The California Delta provides two-thirds of the state's
8 drinking and irrigation water, which flows through the Delta's
9 over 1,000 miles of waterways, levees, and shoreline.

10 (3) The California Delta is of great ecological significance,
11 with its two most prominent waterways, the Sacramento and the
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada
13 Range and the Central Valley to the San Francisco Bay.

14 (4) The California Delta is a key part of the Pacific Flyway,
15 and its rich ecosystem serves as home to thousands of unique
16 birds, fish, animals, and plants, and is enjoyed by outdoor
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.

18 (5) The California Delta is a complicated and fragile system
19 which needs the appreciation and protection of future generations
20 of Californians.

21 (6) The California Delta is characterized by its numerous
22 scenic waterways, levee-top roadways, historic towns, idyllic
23 marinas, and eucalyptus tree windrows.

24 (7) There are 22 public recreation areas in the Sacramento-San
25 Joaquin Delta region, with fishing, park day use facilities,
26 campgrounds, trails and boating access which support numerous
27 recreational activities including boating, water skiing, jet skiing,
28 windsurfing, sailing, fishing, relaxing, hiking and jogging,
29 horseback riding, swimming, picnicking, and cycling.

30 (8) California is challenged by a growing obesity crisis and
31 state and local leaders must address the need for more

1 opportunities for exercise, movement, and recreation in public
2 settings.

3 (9) The Delta Protection Commission surveys have found that
4 there are unmet recreational needs in the Delta region, including
5 a trail for bicycling and hiking, around the perimeter of the
6 Sacramento-San Joaquin Delta.

7 (10) A Bicycle and pedestrian trail along the perimeter would
8 provide an important link between the people of California and
9 one of our most precious natural resources.

10 (11) A bicycle and pedestrian trail connecting the Delta
11 region, with adjacent areas, would provide a great link between
12 our fascinating Delta communities and foster a connection
13 between our rich histories and present challenges.

14 (b) The Legislature declares its support for the creation of a
15 California Delta Trail, linking the San Francisco Bay Trail
16 system to the present and future trailways around the parameter
17 of the Delta, including but not limited to, the Delta's shorelines
18 in Contra Costa, San Joaquin, Solano, Sacramento and Yolo
19 counties.

20 SEC. 2. Chapter 12 (commencing with Section 5852) is
21 added to Division 5 of the Public Resources Code, to read:

22
23 CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM
24

25 5852. "Delta" means the Sacramento-San Joaquin Delta, as
26 defined in Section 12220 of the Water Code minus the area
27 contained in Alameda County.

28 5853. "Commission" means Delta Protection Commission
29 as defined in Section 29721.

30 5854. (a) The Commission shall develop and adopt a plan
31 and implementation program, including a financing plan, for a
32 continuous recreational corridor that will extend around the
33 perimeter of the Delta, including but not limited to, the Delta's
34 shorelines in Contra Costa, Solano, San Joaquin, Sacramento and
35 Yolo Counties. This plan shall include a specific route of a
36 bicycling and hiking trail, the relationship of the route to existing
37 park and recreational facilities and trail systems, and links to
38 existing and proposed public transportation facilities. The
39 continuous recreational corridor planned and executed pursuant
40 to this chapter shall be called the Great California Delta Trail.

(b) The Great California Delta Trail plan shall do all of the following:

(1) Provide that designated environmentally sensitive areas, including wildlife habitats and wetlands, shall not be adversely affected by the trail.

(2) Provide for appropriate buffer zones along those portions of the bikeway system adjacent to designated environmentally sensitive areas.

(3) Provide that the land and funds used for trail construction and planning are not considered mitigation for wetlands losses.

(4) Provide alternative routes to avoid impingement on environmentally sensitive areas.

(5) Provide that no motorized vehicles, except to the extent necessary for emergency services, be allowed on the trail.

(c) The Commission shall submit the plan to the Legislature and each of the counties within the Commission's service area not later than July 1, 2008.

5855. (a) The Commission shall establish a policy committee. The committee shall include members of appropriate regional government associations and environmental and recreation organizations.

(b) A cooperative working relationship shall be established with state and federal agencies, and all other cities, counties, districts, including school districts, and regional government associations that are affected by the proposed trail.

(c) The Commission shall establish an advisory committee representing groups concerned with environmental and ecological protection of the Delta, groups representing agricultural, private, and other business uses of the Delta's surrounding land, and groups representing bicycling, walking, boating, and other relevant recreational activities.

SEC. 3. Section 99234 of the Public Utilities Code is amended to read:

99234. (a) Claims for facilities provided for the exclusive use of pedestrians and bicycles or for bicycle safety education programs shall be filed according to the rules and regulations adopted by the transportation planning agency.

(b) The money shall be allocated for the construction, including related engineering expenses, of those facilities pursuant to procedures or criteria established by the

1 transportation planning agency for the area within its jurisdiction,
2 or for bicycle safety education programs.

3 (c) The money may be allocated for the maintenance of
4 bicycling trails which are closed to motorized traffic pursuant to
5 procedures or criteria established by the transportation planning
6 agency for the area within its jurisdiction.

7 (d) The money may be allocated without respect to Section
8 99231 and shall not be included in determining the
9 apportionments to a city or county for purposes of Sections
10 99233.7 to 99233.9, inclusive.

11 (e) Facilities provided for the use of bicycles may include
12 projects that serve the needs of commuting bicyclists, including,
13 but not limited to, new trails serving major transportation
14 corridors, secure bicycle parking at employment centers, park
15 and ride lots, and transit terminals where other funds are
16 unavailable.

17 (f) Notwithstanding any other provision of this section, a
18 planning agency established in Title 7.1 (commencing with
19 Section 66500) of the Government Code may allocate the money
20 to the Association of Bay Area Governments for activities
21 required by Chapter 11 (commencing with Section 5850) of
22 Division 5 of the Public Resources Code.

23 *(g) Notwithstanding any other provision of this section, the*
24 *transportation planning agencies that allocate funds, pursuant to*
25 *this section: to the cities and counties with jurisdiction or a*
26 *sphere of influence within the Delta, as defined in Section 5852*
27 *of the Public Resources Code, may allocate the money to the*
28 *Delta Protection Commission for activities required by Chapter*
29 *12 (commencing with Section 5852) of Division 5 of the Public*
30 *Resources Code.*

31 ~~(g)~~

32 (h) Within 30 days after receiving a request for a review from
33 any city or county, the transportation planning agency shall
34 review its allocations made pursuant to Section 99233.3.

35 ~~(h)~~

36 (i) In addition to the purposes authorized in this section, a
37 portion of the amount available to a city or county pursuant to
38 Section 99233.3 may be allocated to develop a comprehensive
39 bicycle and pedestrian facilities plan, with an emphasis on
40 bicycle projects intended to accommodate bicycle commuters

1 rather than recreational bicycle users. An allocation under this
2 subdivision may not be made more than once every five years.

3 (i)

4 (j) Up to 20 percent of the amount available each year to a city
5 or county pursuant to Section 99233.3 may be allocated to
6 restripe class II bicycle lanes.

7 SEC. 4. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health or safety
9 within the meaning of Article IV of the Constitution and shall go
10 into immediate effect. The facts constituting necessity are:

11 In order to permit the development of a continuous recreational
12 corridor around the perimeter of the California Delta, to provide
13 urgently needed recreational facilities at the earliest possible
14 time, and to allow the Delta Protection Commission sufficient
15 time to prepare the required plan, it is necessary that this act take
16 effect immediately.